



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Meat and Poultry Inspection Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Dr. Karen Beck
Director

December 8, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Furman Howell
101 Kensington Circle
Fayetteville, North Carolina 28301

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF THE NORTH CAROLINA MEAT
INSPECTION LAWS, N.C.G.S. § 106-549.23(3)

Dear Mr. Furman Howell,

Pursuant to North Carolina General Statute § 106-549.35(c), you are hereby assessed a civil penalty by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division. The Notice of Violations and Assessment of Civil Penalty is attached.

Within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing in the Office of Administrative Hearings appealing the penalty assessment.

Pursuant to N.C.G.S. §150B-22, informal settlement negotiations may be initiated at any time. To negotiate a settlement of this assessment, present your offer to Dr. Karen Beck, Meat & Poultry Inspection Division, who may be contacted by telephone at (919) 707-3180. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided on the next page:

-PAYMENT-

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Karen Beck, Director
Meat & Poultry Inspection Division
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

-APPEAL-

If you file a contested case petition, it must be in writing and in the form prescribed by N.C.G.S. § 150B-23. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-1001

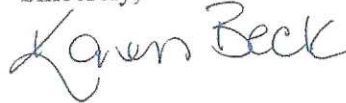
Any questions about filing a petition may be directed to the Clerk of OAH by telephone (919) 431-3000. You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Process Agent and General Counsel
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,



Dr. Karen Beck
Director, Meat & Poultry Inspection Division

KB:dm

Certified Mail 9214 8901 9403 8361 0230 61

Attachments: Assessment Document

CC: Mr. Christopher McLennan, Assistant Attorney General
Mrs. Christina L. Waggett, Assistant Commissioner
Ms. Tina Hlabse, General Counsel
Mr. Daniel Moody, Compliance Supervisor

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

NORTH CAROLINA DEPARTMENT OF
AGRICULTURE & CONSUMER SERVICES
MEAT & POULTRY INSPECTION
DIVISION

IN THE MATTER OF
MR. FURMAN HOWELL

) NOTICE OF VIOLATIONS AND
) ASSESSMENT OF CIVIL PENALTY
) FOR VIOLATIONS:
) N.C.G.S. § 106-549.23(3)

Acting pursuant to North Carolina General Statute § 106-549.35(c), Dr. Karen Beck, Director, Meat and Poultry Inspection Division (M.P.I.D.) of North Carolina Department of Agriculture and Consumer Services ("N.C.D.A. & C.S.") makes the following:

I. FINDINGS OF FACTS:

- A. On July 16, 2021, N.C.D.A. & C.S., M.P.I.D., Food Compliance Officer Marvin Lackman (hereinafter CO Lackman) visited Stedman Soda Shop, Inc., 7412 Clinton Road, Stedman, North Carolina, 28391 to perform a random compliance review.
- B. CO Lackman observed and photographed misbranded/non-inspected meat (fully cooked pork skins) products that did not contain the N.C.D.A. & C.S. (State) or U.S.D.A. (Federal) mark of inspection or required labeling being offered for sale to the general public.
- C. Stedman Soda Shop does not operate under U.S.D.A. (Federal) or N.C.D.A. & C.S. (State) Inspection but operates under Cumberland County Environmental Health Departments as a restaurant.
- D. On July 16, 2021, an estimated two (2) pounds (six (6) packages) of misbranded/non-inspected meat products (fully cooked pork skins) were N.C. Detained.
- E. Ms. Jennifer Horne, manager/operator of Stedman Soda Shop, Inc., stated in a signed statement dated July 22, 2021 that the misbranded/non-inspected fully cooked pork skins were purchased wholesale from Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28425 for the past three (3) months. She also stated that Mr. Howell transported the fully cooked pork skins, which were packaged in clear plastic bags, to Stedman Soda Shop, Inc. but could not provide an invoice to that effect.
- F. On July 22, 2021, approximately two (2) pounds of the N.C. Detained misbranded/non-inspected meat products (fully cooked pork skins) were voluntarily destroyed by Ms. Jennifer Horne after signing form C&E 3a (Voluntary Destruction of Detained Product).
- G. On July 22, 2021, Stedman Soda Shop, Inc. was issued an on-site cease and desist letter for storing, offering for sale and selling of misbranded/non-inspected meat products (fully cooked pork skins) to the general public.

- H. On August 3, 2021, N.C.D.A. & C.S., M.P.I.D. Food Compliance Officer Lackman spoke with Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, in reference to the processing, storing, transporting, offering for sale and selling/wholesaling misbranded/non-inspected fully cooked pork skins to Stedman Soda Shop, Inc., for the sole purpose of resale to the general public.
- I. Mr. Furman Howell does not operate under County, State (N.C.D.A. & C.S.) or Federal (U.S.D.A.) Inspection.
- J. In a signed statement dated August 3, 2021, Mr. Furman Howell, alleged that he purchased three (3) cases of U.S.D.A. inspected dehydrated pork skin pellets from American Skins, LLC., 140 Industrial Dr., Burgaw, North Carolina 28425, but he could not provide a receipt/invoice for the purchase.
- K. Mr. Howell alleged that he transported the cases of inspected dehydrated pork skin pellets to Chef Lou's 5474 Trade Street, Fayetteville, North Carolina 28348, where he cooked, seasoned and packaged the fully cooked pork skins without the benefits of State (N.C.D.A. & C.S.) or Federal (U.S.D.A.) inspection.
- L. Mr. Howell packaged the fully cooked pork skins in clear plastic bags which contained a label that stated "Kountry's Pork Skins" and included a flavor, weight, expiration date, "Nutritional Facts, ingredients and distributed by Kountry's Pork Skins, LLC., P.O. Box 9243, Fayetteville, North Carolina 28311.
- M. In a signed statement dated August 3, 2021, Mr. Furman Howell stated that he processed, stored, transported, offered for sale and sold/wholesaled the misbranded/non-inspected fully cooked pork skins to Stedman Soda Shop since April 2021, for the sole purpose of resale to the general public.
- N. On August 3, 2021, Mr. Furman Howell was issued an on-site cease and desist letter for processing, storing, transporting, offering for sale and selling/wholesaling of misbranded/non-inspected meat products (fully cooked pork skins) to a retail store for the sole purpose of reselling to the general public.
- O. On February 23, 2021, Mr. Furman Howell contacted the N.C.D.A. & C.S., M.P.I.D. to learn what the rules and regulations are for him to begin cooking, processing and packaging cooked pork skins and wholesale to various stores.
- P. On April 23, 2021, Mr. Furman Howell contacted the N.C.D.A. & C.S., M.P.I.D. to schedule a courtesy review at the location where he was going to cook, process and package cooked pork skins to wholesale.
- Q. On May 10, 2021, Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, was found to be processing, storing, transporting, offering for sale and selling/wholesaling misbranded/non-inspected meat products (cooked pork skins) to the general public in violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23(3).

- R. On May 19, 2021, Mr. Isaac Newberry, Area III Supervisor, performed a courtesy review at Kountry's Pork Skins, owned/operated by Mr. Furman Howell, 5463 Trade Street, Hope Mills, North Carolina 28348, and sent Mr. Howell a list of recommendations for compliance via e-mail.
- S. On June 23, 2021, Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, was issued a Notice of Warning (NOW) from the N.C.D.A. & C.S., M.P.I.D. for the violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. §106-549.23(3) and USPS Tracking System verified that the NOW was received on June 25, 2021.

II. CONCLUSIONS OF LAW

- A. Mr. Furman Howell was found to be processing, storing, transporting, offering for sale and selling /wholesaling misbranded/non-inspected meat products to a retail stores for the sole purpose of resale to the general public in violation of N.C.G.S. §106-549.23(3) and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under N.C.G.S. §106.549.35(c).
- B. The Commissioner of Agriculture, pursuant to N.C.G.S. §106.549.35(c), has the authority to assess civil penalties in this matter. This authority has been delegated to Dr. Karen Beck, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to N.C.G.S. §143B-10(a).

III. DECISION

- A. As required by N.C.G.S. §106-549.35(c), in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violation of N.C.G.S. §106-549.23(3).

Accordingly, Mr. Furman Howell is assessed a civil penalty of:

\$1,000.00 for violating N.C.G.S. § 106-549.23(3) – Articles Required to be Inspected

\$1,000.00 TOTAL AMOUNT ASSESSED.

Date

Dr. Karen Beck
Director, Meat and Poultry Inspection Division